

Remarks

This amendment is submitted in response to an Office Action dated April 9, 2003. In the Office Action, the Examiner rejected claims 3, 8-9, 11, 15 and 17 under 35 U.S.C. §112, second paragraph, as being indefinite. In addition, claims 1-3, 5-10 and 12-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,168,709 to Bombard. Further, claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bombard in view of U.S. Patent No. 4,098,303 to Gammell. Still further, claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bombard. Finally, claims 18-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bombard in view of Gammell, and further in view of U.S. Patent No. 4,476,097 to Van Pool et al.

With respect to the rejection of claims 3, 8-9, 11, 15 and 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, Applicants respectfully submit that the amendments to the claims overcome the rejection thereto. Specifically, Applicants respectfully submit that claim 1 has been amended to define a specific step for heating the input gas. In addition, claim 8 has been amended to replace the term "pressurized container" with --rail tank car--, which now corresponds to independent claim 1.

With respect to the rejection of claims 1-3, 5-10 and 12-17 under 35 U.S.C. §102(b) as being anticipated by Bombard, this rejection is respectfully traversed in view of the claims as amended and for the reasons that follow.

More specifically, Bombard merely discloses a system and a method for cleaning a pressurized jet fuel tank containing a quantity of fuel contained therein. Applicants

respectfully submit that neither Bombard, nor any of the other cited prior art, teaches or even discloses the limitations found in amended independent claim 1.

Specifically, independent claim 1 claims a method for cleaning a pressurized rail tank car having a quantity of a chemical contained therein comprising the steps of heating an input gas; injecting the input gas into the rail tank car to form a chemical/input gas mixture; removing the chemical/input gas mixture from the rail tank car; injecting the chemical/input gas mixture into a reaction tank to react the chemical in the chemical/input gas mixture with a neutralizing material to dispose of the chemical; and injecting further quantities of heated input gas into the rail tank car to form further chemical/input gas mixtures and injecting the further chemical/input gas mixtures into the reaction tank to react the chemical in the further chemical/input gas mixtures with the neutralizing material to dispose of the chemical, until the fume level of the chemical within the rail tank car reaches a predetermined level.

Under 35 U.S.C. §102(b), anticipation requires that a single prior art reference disclose each and every element of Applicants' claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). Applicants respectfully submit that Bombard fails to teach many of the limitations now found in amended independent claim 1. Since Bombard fails to disclose each and every element of independent claim 1, the rejection thereto has been traversed and should be withdrawn.

Claims 2-3 and 7-17 and 19-21 depend from independent claim 1. These claims are further believed allowable over the references of record for the same reasons set forth

above with respect to their parent claims since each sets forth additional steps of Applicants' novel method of cleaning pressurized rail tank cars.

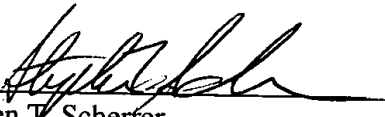
Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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MCDERMOTT, WILL & EMERY
227 West Monroe Street
Chicago, Illinois 60606-5096
Telephone: (312) 372-2000


Stephen T. Scherfer
Registration No. 45,080
Attorney for Applicants